

**AUG 20 2007**

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**REMARKS/ARGUMENTS**

Applicant has herein amended claims 1, 5, 9 and 11. Claims 1-14 will still be pending in the application after entry of this amendment. A fee for a one (1) month extension is also included.

Applicant acknowledges that an in-person interview took place on August 1, 2007 with the undersigned attorney, the Examiner, and a supervisor in attendance. Applicant wishes to thank the Examiner and his supervisor for scheduling the interview, during which the scope and clarity of the present claims were discussed primarily with reference to claim 1. Applicant understands that it is the Examiner's opinion that the amendments made herein will allow the rejection under Section 112, discussed below, to be withdrawn. No agreement was reached with respect to the allowability of any claims over the art of record.

In the present office action, the Examiner again rejected Applicant's claims under 35 U.S.C. § 112, second paragraph as discussed above, for being indefinite and failing to particularly point out and distinctly claim the subject matter of the invention. Applicant submits herein the amendments discussed. Support for the new claim recitations can be found in the specification in paragraphs [0007] and [0028]. Applicant submits that the claims as amended comply with Section 112.

The Examiner continues to reject all claims under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,256,712 to Challenger et al. ("Challenger"). In order for a claim to be anticipated, the cited reference must teach every element of the claim. MPEP 2131. All of Applicant's claims, either directly, or through dependency, have recitations that cannot be found in Challenger. For example, all of Applicant's claims recite a request and a "response that can be displayed as a combination of a portion of the response that changes and a part of the response that is static." Challenger, by contrast, discusses combining objects into larger objects as an update mechanism for caches. Challenger does not mention or discuss static or dynamic portions or parts of responses or even Web pages, only complete static or dynamic Web pages.

All of Applicant's claims recite the retrieval of the part of the response that is static from a cache disposed in an operating system kernel. Applicant is also at a loss to find this concept disclosed in Challenger. Challenger does not even mention the kernel, let alone the very specific concept of retrieving a part of a response that is static from a cache disposed in an operating

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system kernel. For a proper rejection under Section 102, it is not enough for the Examiner to analogize specific claim recitations with portions of the cited reference in a conclusory fashion. The Examiner has suggested that some unwritten "spirit of the design" behind a cited reference can be used to reject a claim over the cited reference under Section 102. However, for a proper rejection under Section 102, the Examiner must demonstrate that the **identical invention** is "shown in as **complete detail** as contained in the....claim," and that the elements are "arranged as required by the claim...." M.P.E.P. § 2131. The Examiner has failed to meet this burden.

Applicant believes he has responded to the concerns raised by the Examiner. Reconsideration of this application, as amended, is hereby requested.

Respectfully submitted,

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